

U.S. DISTRICT COURT
FILED

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DISTRICT OF UTAH
BY: *[Signature]*
DEPUTY CLERK

My Name Jesse Majors
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I am the Plaintiff
 Attorney for the Plaintiff and my Utah Bar number is _____

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

JESSE ANNE MAJORS)
vs.)
Plaintiff,) MOTION FOR COURT TO
THOMAS JEFFERSON SCHOOL OF) DISREGARD DEFENDANT'S
LAW, et al.,) RULE 7.1 DISCLOSURE
Defendants.)
Case No. 2:11cv00558 CW
Judge Clark Waddoups
Magistrate Judge Samuel Alba
)

BACKGROUND

This matter is before the Court in regards to Defendants' submission of a Rule 7.1 Disclosure. Pursuant to Fed. R. Civ. P. Rule 7.1, Defendant Thomas Jefferson School of Law disclosed the following:
"Parent corporation: None

13 Publicly held corporations owning ten percent (10%) or more of Defendant's stock: None".

14 **ARGUMENT**

15 Plaintiff recognizes that the main purpose of a Rule 7.1 disclosure is to "provide judges
16 with information to determine if any financial interests require the judge to disqualify him or
17 herself from the case," for, "recusal may be appropriate where a judge has a financial interest in
18 the corporate party, its parent company, or in a publicly held corporation that holds a particular
19 stock percentage in the party." *Fed. R. Civ. P. Rule 7.1.*

20 Plaintiff is also aware that another purpose of such a disclosure is to "gives notice and
21 assurance to all parties that the companies listed on the Disclosure Statement are the only ones
22 most likely to have some direst financial stake in the commenced litigation." *Fed. R. Civ. P.*
23 *Rule 7.1.*

24 Hence, the basis for Plaintiff's argument that Defendants' Rule 7.1 Disclosure be
25 dismissed is that Plaintiff Jesse Majors believes Defendant Law School is attempting to classify
26 themselves as a non-governmental party to limit the amount of damages Plaintiff could
27 potentially be awarded by screening other potential Defendants from liability. Plaintiff Jesse
28 Majors avers that trustees of Defendant Law School, the Defendants listed in the initial
29 complaint and other parties may have some direct financial stake in the litigation and hence,
30 some direct financial liability.

31 **DISCLOSURE SHOULD BE DISMISSED AS UNTIMELY**

32 However, Defendant, Thomas Jefferson School of Law, did not accord with Fed. R. Civ.
33 P. Rule 7.1(a)(1). According to said Rule, Thomas Jefferson School of Law, did not file this

34 disclosure with its “first appearance, pleading, petition, motion, response, or other request
 35 addressed to the court.” Their first motion was on June 16, 2011. Because Defendants Rule 7.1
 36 Disclosure was made September 9, 2011, over two months after Defendants first motion.
 37 THEREFORE,

38 Plaintiff requests that the Rule 7.1 Disclosure be dismissed.

39 **DEFENDANT DOES NOT OPERATE INDEPENDENTLY FROM ANY**
 40 **GOVERNMENT, IS A FOR-PROFIT ORGANIZATION, THUS FAILING TO SATISFY**
 41 **THE “NON-GOVERNMENTAL PARTY” TEST**

42 According to 12 C.F.R. §346.11(j), a non-governmental entity or person is defined as
 43 “any partnership, association, trust, joint venture, joint stock company, corporation, limited
 44 liability corporation, company, firm, society, other organization, or individual.” Additionally,
 45 according to 12 C.F.R. §346.11(j), “A nongovernmental entity or person does not include,
 46 however, “the United States government, a state government, a unit of local government
 47 (including a county, city, town, township, parish, village, or other general-purpose subdivision of
 48 a state)... or a department, agency, or instrumentality of any such entity or a federally-chartered
 49 public corporation that receives Federal funds appropriated specifically for that corporation”.

50 According to the United Nations, “only those organizations *completely independent* from
 51 governmental control can be considered a non-governmental entity.”¹ Thomas Jefferson School
 52 of Law received funds from the government, is overseen by several governmental agencies such
 53 as the American Bar Association and the State Bar of California, and is held to the laws of the
 54 federal and state governments. It receives its accreditation from the American Bar Association.

¹ *Introduction to ECOSOC Consultative Status*, United Nations – Department of Economic and Social Affairs – NGO Branch, <http://esango.un.org/paperless/Web?page=static&content=intro> (last accessed October 25, 2011).

56 The United Nations further states that “non-governmental parties also need to be non-profit.”²
 57 Defendant Thomas Jefferson School of Law is definitely a for-profit institution.

58 Furthermore, Defendants have not provided any information, other than the Disclosure,
 59 that they should be categorized as a non-governmental party and simply providing a disclosure
 60 does not suffice. Because courts have been inconsistent in defining the term and there is no
 61 agreed legal definition, without more facts regarding the organizational structure of Defendant
 62 Law School, its activities, a copy of their Constitution and other relevant facts, Defendants do
 63 not satisfy the definition of a non-governmental party at this time.

64 **CONCLUSION**

65 Defendants are overseen by and interact with and operate in accordance with both city,
 66 state and federal governments, receive funding from local, state and federal governments³,
 67 received monies from stockholders and trustees and make profits in the millions just from their
 68 students and tuition.⁴

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² *Id.*

³ In fact, in January 2011, TJSU opened its new campus, located in Downtown San Diego. TJSU advertises its 305,000 square foot campus as including an eight story state-of-the-art building, 12 classrooms, two recording studios, a student lounge and a “sophisticatedly designed” moot court room. TJSU broke ground on its multi-million dollar new campus at a time when experts were cautioning students to think twice about attending law school.

Alaburda v. Thomas Jefferson School of Law, et al., Case # 37-2011-00091898-CU-FR-CTL. (Filed May 26, 2011).

⁴ TJSU enrolls more than 680 full-time students and approximately 270 part-time students annually. Tuition at TJSU for the 2010-2011 academic year is \$38,700, and room and board is \$27,740, bringing the total cost for the academic year to \$66,440(just shy of \$200,000 for three years). The total amount of money TJSU receives in tuition each year and/or provides in scholarships is not known at this time. However, if all students enrolled at TJSU paid full tuition in 2011, TJSU would receive more than \$34 million for the 2010-2011 academic year. *Alaburda v. Thomas Jefferson School of Law, et al., Case #37-2011-00091898-CU-FR-CTL,* (Filed May 26, 2011).

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74 THEREFORE,

75 Plaintiff requests that the Rule 7.1 Disclosure be dismissed.

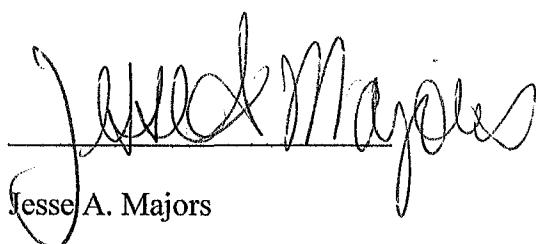
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77 DATED this 29th day of October, 2011.

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A handwritten signature in black ink, appearing to read "Jesse A. Majors". The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

Jesse A. Majors

Pro Se

Delivery Certificate

I hereby certify that I caused a true and correct copy of the foregoing Motion to be served by the method(s) indicated below and addressed to the following on this 29th day of October, 2011.

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Delivered:

() U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile
(x) E-mail
() CM/ECF Posting

DATED this 29th day of October, 2011.

Jesse A. Majors
Pro Se